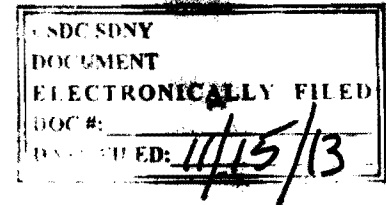


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



In re:

BANK OF NEW YORK MELLON CORP.
FOREX TRANSACTIONS LITIGATION

12 MD 2335 (LAK)

ECF Case

This Document Relates to: *All Cases*

[PROPOSED] ORDER

Upon the motion for emergency relief filed by Defendant The Bank of New York Mellon (“BNYM”) on November 4, 2013 (Dkt. No. 305), and the opposition thereto, in connection with subpoenas issued in the above-captioned case and in *United States v. The Bank of New York Mellon*, Case No. 11-Civ.-6969, and having considered the evidence and the arguments presented, it is hereby:

ORDERED that BNYM’s motion is GRANTED.

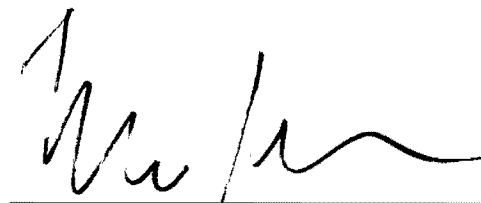
ORDERED that the Plaintiffs’ Executive Committee (which is defined, for purposes of this Order, to include any employees and agents of their respective law firms) shall, within one business day from the entry of this Order, send a letter to each of the subpoena recipients contacted by the Plaintiffs’ Executive Committee retracting its prior communications.

ORDERED that such retraction letter shall attach a copy of this Order and inform the recipients as follows:

- The Plaintiffs’ Executive Committee’s previous efforts to counsel the recipients about its response to BNYM’s subpoenas were inappropriate;
- The Plaintiffs’ Executive Committee’s previous letter did not govern those subpoenas; and
- BNYM’s outstanding subpoenas have not been found by any court to be unduly burdensome, overbroad, or to seek irrelevant information.

ORDERED that the Plaintiffs' Executive Committee is enjoined from engaging, directly or indirectly, in any future communications with any subpoena recipient with respect to its compliance with BNYM's subpoenas, without prior authorization from the Court.

Dated: 11/5/13

A handwritten signature in black ink, appearing to read 'L. Kaplan', written over a horizontal line.

Lewis A. Kaplan
United States District Judge

[LETTERHEAD]

[DATE]

VIA //

[ADDRESS]

Re: *In re Bank of New York Mellon Corp. Forex Transactions Litigation*, Civil
Action No. 12-MD-2335

Dear _____:

We represent the MDL Plaintiffs in the above-captioned action. By letter dated October 29, 2013, we referenced the Court's denial of Motions to Compel brought by Defendant The Bank of New York Mellon ("BNYM") directed at certain of the plaintiffs in certain of the cases, and stated that "[p]ursuant to the Court's Motion to Compel Order, you are not required to produce any documents responsive to the categories" set forth in our letter.

The Court has deemed our October 29 letter to be inappropriate and we have been directed by the Court pursuant to the attached Order to retract that letter, which we now do. The subpoena you received remains in full force and effect and has not been found by any court to be unduly burdensome, overbroad, or to seek irrelevant information. Moreover, we, along with any employees or agents of our respective firms, have been ordered not to engage in any future communications with you regarding your compliance with BNYM's subpoenas, without prior authorization from the Court.

We regret any confusion that our letter has caused.

/e/ Elizabeth J. Cabraser

Elizabeth J. Cabraser

LIEFF CABRASER
HEIMANN & BERNSTEIN,
LLP

/e/ Joseph H. Meltzer

Joseph H. Meltzer

KESSLER TOPAZ
MELTZER & CHECK, LLP

/e/ Steven B. Singer

Steven B. Singer

BERNSTEIN LITOWITZ
BERGER & GROSSMAN,
LLP